



Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2010

Current as at 5 April 2019

Reprint note

This is the last reprint before expiry. Expired on 31 August 2021. See SIA s 54(2) and SIR s 3 sch 2 pt 2.

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Queensland

Tobacco and Other Smoking Products Regulation 2010

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Tobacco and Other Smoking Products Regulation 2010

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Tobacco and Other Smoking Products Regulation 2010*.

1A Definitions

In this regulation—

mandatory sign means a sign complying with the requirements stated in section 8.

style includes a style with a bold, italic or underlined appearance.

Part 2 Promotion of smoking products

Division 1 Smoking related products

2 Smoking related products—Act, s 25

For section 25 of the Act, definition *smoking related product*, each of the following is prescribed—

- (a) cigarette papers;
- (b) cigarette filters;
- (c) cigarette tubes;

- (d) a cigarette rolling machine;
- (e) a handheld machine for injecting tobacco into paper tubes;
- (f) cigar or cigarette holders;
- (g) cigarette tips;
- (h) a cigar cutter.

Division 2 Price tickets and other indicators of price

3 Price ticket for relevant point of sale—Act, s 26E

- (1) For section 26E(2)(b) of the Act, a price ticket for a smoking product—
 - (a) must be no more than 80mm x 40mm in size; and
 - (b) must be the same size and colour as the price tickets for all other smoking products being sold at the same retail outlet; and
 - (c) must have the same font size, style and typeface as the price tickets for all other smoking products being sold at the same retail outlet; and
Example of a font size, style and typeface—
10 point, bold and Times New Roman
 - (d) if the price ticket is for an immediate package of a product line, may only display—
 - (i) words that indicate any of the following—
 - (A) the name of the product line;
 - (B) the number of items in the immediate package;
 - (C) the price of the immediate package;
 - (D) the country of origin of the product line; and

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- (ii) a bar code, or similar identification code, for the product line; and
 - (e) if the price ticket is for a carton of a product line, may only display—
 - (i) words that indicate any of the following—
 - (A) the name of the product line;
 - (B) the number of immediate packages in the carton;
 - (C) the price of the carton;
 - (D) the country of origin of the product line; and
 - (ii) a bar code, or similar identification code, for the product line.
 - (2) The words, bar code or similar identification code displayed on the price ticket must be—
 - (a) in white on a black background; or
 - (b) in black on a white background.
 - (3) Subsection (4) applies, if, in a retail outlet, price tickets for goods other than smoking products have information about the goods in 1 colour (the *information colour*) on a background of another colour (the *background colour*).
 - (4) Despite subsection (2), a price ticket for a smoking product may display the words, bar code or similar identification code in the information colour on the background colour.

4 Price ticket for tobacco product vending machine—Act, s 26ID

- (1) For section 26ID(1) of the Act, a price ticket for a tobacco product being sold from a tobacco product vending machine—
 - (a) must be no more than 80mm x 40mm in size; and

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- (b) must be the same size and colour as the price tickets for all other tobacco products being sold from the same tobacco product vending machine; and
 - (c) must have the same font size, style and typeface as the price tickets for all other tobacco products being sold from the same tobacco product vending machine; and
Example of a font size, style and typeface—
10 point, bold and Times New Roman
 - (d) may only display—
 - (i) words that indicate any of the following—
 - (A) the name of a product line;
 - (B) the number of items in an immediate package;
 - (C) the price of an immediate package;
 - (D) the country of origin of a product line; and
 - (ii) a bar code, or similar identification code, for a product line.
- (2) The words, bar code or similar identification code displayed on the price ticket must be—
- (a) in white on a black background; or
 - (b) in black on a white background; or
 - (c) in any 1 colour on a background of any other 1 colour.
- (3) All the price tickets for a tobacco product vending machine must be in the same 2 colours.

5 Other indicator of price for a tobacco product vending machine—Act, s 26ID

For section 26ID(1) of the Act, an indicator of price, other than a price ticket, for a tobacco product being sold from a tobacco product vending machine may only display words that indicate any of the following—

- (a) the name of a product line;

- (b) the number of items in an immediate package;
- (c) the price of an immediate package;
- (d) the country of origin of a product line.

Example of an indicator of price other than a price ticket—
an electronic display in a tobacco product vending machine

Part 3 Particular signs

Division 1 Mandatory and permitted signs

8 Form of mandatory sign—Act, ss 26HC and 26IF

- (1) For sections 26HC(1) and 26IF of the Act, a mandatory sign must—
 - (a) be at least 210mm x 297mm in size; and
 - (b) display only the following words in the following sequence—

‘It is an offence to supply a smoking product to a person under 18 years

Penalties apply

Proof of age may be required

Quitline 13 QUIT (13 7848)’.
- (2) The words stated in subsection (1)(b) must be—
 - (a) at least 8mm in height; and
 - (b) in, or in a combination of, the following—
 - (i) white on a black background;
 - (ii) black on a white background.
- (3) For subsection (1)(b), the words ‘Quitline 13 QUIT (13 7848)’ may be replaced by the following logo—



- (4) Nothing in this section prevents the sign displaying a reference to the State, the department or the Act.

9 Form of permitted sign—Act, s 26HC

- (1) For section 26HC(2) of the Act, a permitted sign must—
- (a) be no more than 210mm x 148mm in size; and
 - (b) display only the following words in the following sequence—
‘Smoking products sold here’.
- (2) The words stated in subsection (1)(b) must—
- (a) be no more than 17mm in height; and
 - (b) be in Arial or Times New Roman typeface; and
 - (c) not be in bold or italics; and
 - (d) not be underlined; and
 - (e) be in black on a white background.

10 Display of mandatory sign by supplier

A supplier must display a mandatory sign under section 26HC(1) of the Act, so that the sign is easily visible to a person purchasing a smoking product at the supplier’s relevant point of sale.

11 Attachment of mandatory sign for tobacco product vending machine—Act, s 26IF

For section 26IF of the Act, a person in charge of a tobacco product vending machine must attach a mandatory sign to the front of the machine or near the machine, so that the sign is easily visible to a person obtaining a tobacco product from the machine.

Division 2 No smoking signs

12 Form of no smoking sign—Act, s 26S

- (1) For section 26S of the Act, a no smoking sign—
 - (a) must display a symbol (a *no smoking symbol*) in the form of a circle and a diagonal line over a depiction of a cigarette and smoke; and
 - (b) may display any words that indicate smoking is not permitted.
- (2) The no smoking symbol must be at least 70mm in diameter.
- (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

13 Display of no smoking sign—Act, s 26S

- (1) For section 26S of the Act, a licensee of premises must display a prominent no smoking sign at the entrance to the premises.
- (2) In this section—

prominent, for a no smoking sign, means easily visible to a person who is about to enter the premises.

Part 4 Smoke-free outdoor places

14 Prescribed outdoor swimming areas—Act, s 26ZI

Each of the areas described in schedule 1 is a prescribed outdoor swimming area.

15 Prescribed government precincts—Act, s 26ZD

For section 26ZD(2) of the Act, definition *government precinct*, paragraph (b), the following land is prescribed—

- (a) the following land—
 - (i) the land adjoining the buildings known as 1 William Street and within lot 538 on crown plan B32367;
 - (ii) land, including a footpath, that is adjacent to the land mentioned in subparagraph (i) and extends to the kerb of the road or to lot 530 on crown plan SL7738;
 - (iii) land on lot 530 on crown plan SL7738;
 - (iv) land adjacent to the land mentioned in subparagraph (iii), including a footpath, that extends to the kerb of the road or to lot 538 on crown plan B32367;
- (b) the land adjoining the building known as 111 George Street and within lot 2 on RP640, lots 1, 2, 3 and 4 on RP43986 and lot 1 on RP641;
- (c) the land adjoining the building known as 33 Charlotte Street and within lot 3 on SP102562;
- (d) the land adjoining the building known as Education House, located at 30 Mary Street, Brisbane and within lot 14 on crown plan SL12186;
- (e) the land adjoining the building known as 61 Mary Street and within lot 22 on RP178621;

- (f) the land adjoining the building known as 63 George Street and within lot 23 on SP180748;
- (g) the land adjoining the building known as 41 George Street and within lot 1 on RP159900;
- (h) the land adjoining the building known as Claude Wharton Building, 46 Quay Street, Bundaberg and within lot 3 on SP131270;
- (i) the land adjoining the building known as William McCormack Place, 5B Sheridan Street, Cairns and within lot 7 on SP146396;
- (j) the land adjoining the building known as Mike Ahern Building, 12 First Avenue, Maroochydore and within lot 6 on SP207309;
- (k) the land adjoining the building known as Brendan Hansen Building, 50-54 Main Street, Pinalba and within lot 3 on SP108932;
- (l) the land adjoining the building known as James Larcombe Place, 209 Bolsover Street, Rockhampton and within lot 1 on crown plan 801453;
- (m) the land adjoining the building known as Government Office Building No. 3, 187-209 Stanley Street, Townsville and within lot 21 on crown plan EP2035;
- (n) the land adjacent to the land mentioned in any of paragraphs (b) to (m), including a footpath, that extends to the kerb of the road.

15A Prescribed national parks—Act, s 26ZKE(1)

- (1) The following parts of all national parks are prescribed for section 26ZKE(1) of the Act—
 - (a) a camp site operated by the department responsible for the management of national parks;
 - (b) land within 10m beyond the boundary of a camp site mentioned in paragraph (a);

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- (c) a public facility operated by the department responsible for the management of national parks;
 - (d) land within 10m beyond a public facility mentioned in paragraph (c).
- (2) Subsection (1) does not apply to—
- (a) Naree Budjong Djara National Park; or
 - (b) Teerk Roo Ra National Park.
- (3) In this section—
- camp site*** means land on which camping equipment or a tent, caravan or other camping structure is situated.
- public facility*** means—
- (a) a barbecue; or
 - (b) a jetty, boat ramp or landing stage; or
 - (c) a picnic table; or
 - (d) a roofed shelter; or
 - (e) a toilet block; or
 - (f) a visitor information centre.
- (4) For subsection (3), definition *camp site*, it does not matter whether a person is present at the camp site.

Part 5 Prohibited products

16 Display of hookahs—Act, s 26ZQA

For section 26ZQA of the Act, the number of hookahs prescribed is 3.

Part 6 Repeal provision

17 Repeal

The Tobacco and Other Smoking Products Regulation 1998, SL No. 112 is repealed.

Part 7 Transitional provision

18 Transitional provision for form of mandatory sign

Despite section 8(1)(b), a mandatory sign may display the words 'Maximum penalty \$42,000' in the place of the words 'Penalties apply' until 30 June 2015.

Schedule 1 Prescribed outdoor swimming areas

section 14

Airlie Beach Lagoon

- the body of water used by the public for swimming, known as the Airlie Beach Lagoon, situated off Broadwater Ave, Airlie Beach
- the area of sand adjoining the body of water

Bluewater Lagoon (Mackay)

- the body of water used by the public for swimming, known as the Bluewater Lagoon, situated off River Street, Mackay
- the area of sand adjoining the body of water

Esplanade Lagoon (Cairns)

- the body of water used by the public for swimming, known as the Esplanade Lagoon, situated at the Esplanade, Cairns
- the area of sand adjoining the body of water

Rockpool (Townsville)

- the body of water used by the public for swimming, known as the Rockpool, situated at the Strand, Townsville
- the area of sand adjoining the body of water

Settlement Cove Lagoon (Redcliffe)

- the body of water used by the public for swimming, known as Settlement Cove Lagoon, situated at Charlish Park, corner of Anzac Ave and Redcliffe Pde, Redcliffe
- the area of sand adjoining the body of water

Streets Beach—South Bank (Brisbane)

- the body of water used by the public for swimming, in the area known as Streets Beach, situated at South Bank Parklands, Brisbane
- the area of sand adjoining the body of water